

21 C.J.S. Courts § 344

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Courts

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X. Clerks of Courts

E. Deputies and Assistants

§ 344. Deputies and assistants of court clerks; powers and duties

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West's Key Number Digest

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A deputy clerk serves as the alter ego of the clerk, performing functions and duties in the place of the clerk.

A deputy clerk is an officer of the court¹ or a "judicial official"² who serves as the alter ego of the clerk, performing functions and duties in the place of the clerk.³ Except for the ability to appoint a deputy,⁴ a deputy clerk is ordinarily authorized to perform any official⁵ or ministerial⁶ act which may be done by his or her principal, and the deputy's action is as regular and binding as if performed by the principal.⁷

Control of clerk or judge.

Generally, the clerk of court may promulgate reasonable rules and regulations with respect to his or her assistants.⁸

Under a constitutional provision stipulating that the duties and compensation of officers and employees of the court are to be prescribed by the court, the judge has complete control of the deputy clerk assigned to his or her court.⁹ Therefore, the clerk may take no action against a deputy clerk that would adversely affect that clerk's abilities to perform courtroom duties in an efficient manner, absent the consent of the judge for whom he or she is working.¹⁰

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Footnotes

- 1 Colo.—*People v. Luxford*, 71 Colo. 442, 207 P. 477 (1922).
- 2 Mass.—*Com. v. Hall*, 445 Mass. 1016, 837 N.E.2d 267 (2005).
- 3 U.S.—*Underwood v. Harkins*, 698 F.3d 1335 (11th Cir. 2012).
- Idaho—*Crooks v. Maynard*, 112 Idaho 312, 732 P.2d 281 (1987).
- 4 Tex.—*Gray v. State*, 109 Tex. Crim. 481, 5 S.W.2d 518 (1928).
- As to appointment of deputy clerks and assistants, see § 345.
- 5 Tex.—*Gray v. State*, 109 Tex. Crim. 481, 5 S.W.2d 518 (1928).
- 6 Fla.—*State v. Peeler*, 107 Fla. 615, 146 So. 188, 90 A.L.R. 447 (1933).
- Tex.—*Gray v. State*, 109 Tex. Crim. 481, 5 S.W.2d 518 (1928).
- 7 U.S.—*Underwood v. Harkins*, 698 F.3d 1335 (11th Cir. 2012).
- Okla.—*Reed v. Territory*, 1908 OK CR 39, 1 Okla. Crim. 469, 1 Okla. Crim. 481, 98 P. 583 (1908).
- Service of summons**
- Ga.—*In re A.J.M.*, 277 Ga. App. 646, 627 S.E.2d 399 (2006).
- 8 N.Y.—*Wilson & Co. v. Banque Francaise du Mexique*, 124 Misc. 690, 208 N.Y.S. 213 (Sup 1923).
- 9 W. Va.—*State ex rel. Core v. Merrifield*, 202 W. Va. 100, 502 S.E.2d 197 (1998).
- 10 W. Va.—*State ex rel. Core v. Merrifield*, 202 W. Va. 100, 502 S.E.2d 197 (1998).

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